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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 6866 of 2006
Date of decision: 17.12.2007

Union of India and another

...Petitioners

Versus

Pervinder Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Ms. Renu Bala Sharma, Advocate for the petitioners.

Mr. S.C.Pathela, Advocate for the respondent No. 1.

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RAJESH BINDAL, J.

The challenge in the present petition is to the order dated February 6, 2006 passed by learned Additional District Judge, Bathinda in the execution filed by respondent No. 1/decree holder.

The dispute arise in execution filed for payment of compensation for acquisition of land by the petitioners. The compensation payable on account of acquisition of land was ordered to be assessed by the Arbitrator in the following terms:-

"i)	For the land situated on either side of National Highway leading from Bhatinda to Barnala upto upto a depth of 500 mters.	*Rs.16.80 per sq.yd.*
ii)	For the other land upto a depth of 500 mtrs from Municipal limits/fencing of the Cantonment from the boundary of III phase of Urban Estate of Bhatinda Town.	Rs. 16.00 per sq. yd.
iii)	For the rest of acquired land	Rs. 8.50 per sq. yard."

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The award of arbitrator was upheld upto Hon'ble the Supreme Court. The dispute in the present case is only to the effect as to whether the land of respondent No. 1/decree holder falls within the depth of 500 meters from Municipal limits/fencing of the Cantonment from the boundary of III phase of Urban Estate of Bhatinda town, accordingly, he is entitled to assessment of compensation at the rate of Rs. 16/- per sq. yard or the same falls beyond that limit and accordingly the compensation payable is Rs. 8.50 per sq. yard.

Learned counsel for the petitioner submitted that infact the land of respondent No. 1 is situated beyond 500 meters of the municipal limits/fencing of the Cantonment and accordingly, respondent No.1 is not entitled to compensation at the rate of Rs. 16/- per sq. yard. In support of the contention, a site plan has been placed on record showing the location of the land. However, on the other hand, learned counsel for the respondent No. 1 submitted that in the statement made by the Patwari, it was admitted that the land falls within 500 meters from Municipal limits/fencing of the Cantonment from the boundary of III phase of Urban Estate of Bhatinda town and accordingly, the compensation was rightly assessed.

After hearing learned counsel for the parties, I do not find that the matter has been dealt with by learned Executing Court in proper manner. The question was regarding the location of the land for the purpose of determination of the compensation, which could not be decided merely on oral evidence as the same could very well be demarcated with the help of Aks-sijra showing the khasra numbers and the location of the land. Accordingly, I deem it appropriate to remit the matter back to the Executing Court to demarcate the land of the respondent No. 1/decree holder in Aks-sijra showing the exact location of the khasra numbers owned by the respondent No. 1/decree holder and assess the compensation accordingly to avoid injustice to any of the parties.

The parties through their counsel are directed to appear before the Executing Court on January 18, 2008.

As the land in question was acquired way back in 1972,

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learned Executing Court is directed to complete the execution proceedings upto March 31, 2008.

The revision petition is disposed of in the manner indicated above.

December 17, 2007 **(Rajesh Bindal)**
Pka **Judge**